

**Brent Local Plan Examination**  
**Environment Agency Final Position Statement 15 September 2020**

## **Introduction**

The Environment Agency has a responsibility for protecting and improving the environment as well as contributing to sustainable development. We have three main roles; we are an environmental regulator, an environmental operator and an environmental advisor. One of our specific functions is as a Flood Risk Management Authority. We have a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from Main Rivers or the sea.

We are submitting this statement in order to explain our final position in terms of our discussions with Brent, following our objection to the proposed submission stage of the Local Plan in December 2019. Brent Council have engaged with us following the proposed submission consultation in an attempt to address our concerns. Our updated answers to the Inspectors questions (MIQs) on Matter 3 'Flood Risk' are as follows:

**3.1 The EA has concerns regarding the Council's approach to, and methodology relating to its assessment of, flood risk and a lack of evidence demonstrating that all proposed site allocations and intensification corridors within the Plan have passed sequential and exceptions testing in accordance with Planning Practice Guidance (PPG). Have the site allocations of the Plan been appropriately tested in this respect and has this been undertaken in accordance with the PPG?**

The context is as we explained in our 26 August statement. Based on the latest versions of the Level 2 Strategic Flood Risk Assessment by Metis Consultants and the Council's revised Sequential Test and Exceptions Test we are satisfied there is now an appropriate evidence base for the assessment of flood risk and taking a sequential, risk-based approach to the location of development. In addition the concerns we raised regarding the Integrated Impact Assessment (IIA) methodology and Policy BSU13 'Managing Flood Risk' have been addressed by the Council with proposed changes.

**3.2 What evidence is there to support the Council's methodology and approach set out in its Strategic Flood Risk Assessment Level 2 (SFRA2)? Is the SFRA2 evidence and assessment of the likely effects of the Plan's allocations adequate, appropriate, effective, justified and sound in this regard?**

We believe the Level 2 SFRA undertaken by Metis Consultants provides a detailed assessment of the flood risks, which is more in line with our guidance on SFRAs. The site assessments undertaken do provide an adequate, appropriate, effective and justified assessment of the likely effects of the site allocations. With the Council's commitment to proposing modifications to the site allocation policies to make suitable reference to the SFRA, we are satisfied there will be a firm link between evidence base to site policies based on flood risk.

**3.3 In relation to EB\_SI\_03 - Sequential and Exceptions Test, March 2020, does the methodology clearly follow the steps identified within the PPG? If not, what are the differences and is the approach justified?**

The context is as we explained in our 26 August statement. As explained previously we believe the steps taken are generally in accordance with the PPG, although not what we would necessarily consider perfect 'best practice.' The Council's revised Sequential Test and Exceptions Test (September 2020) does set out more clearly the process undertaken at the earlier stages of the Local Plan, and why alternative sites were not taken forward. The PPG provides guidance on making use of the sustainability appraisal for the sequential test, or as a free-standing document or as part of the strategic housing land or employment land availability assessments (paragraph 022, reference ID: 7-022-20140306). This provides an element of flexibility in how Councils can choose to apply the sequential test. However, it's unfortunate that there is not more detailed guidance within the PPG (or elsewhere) with case study examples of how each of these options could be applied in practice. Flood risk was considered to a limited degree in Brent's SHLAA process, though it appears a combination of IIA appraisal and Level 2 assessment work were the primary methods used.

Brent's revised Sequential and Exceptions Test explains the process taken in site selection and does in our view provide sufficient justification that they have no alternative other than to allocate some sites and intensification corridor's in areas of Flood Zone 2 and 3. In acknowledging the specific challenges for Brent in accommodating enough sites to meet their housing target, we accept their justification and conclusions that the allocated sites and intensification corridors pass the Sequential Test.

The revised Sequential Test and Exceptions Test has also been updated to reflect the findings and recommendations from the Level 2 SFRA.

**3.4 Does the evidence base support the position that there are no other reasonable options to meet the Councils development land targets other than to allocate sites within fluvial Flood Zone 3? If so, is this approach consistent with national policy? What evidence is there to demonstrate that this approach will not increase the risk of flooding to people or property on or off-site?**

Overall we think that the Level 2 Strategic Flood Risk Assessment by Metis Consultants and the Council's revised Sequential Test and Exceptions Test provide a sufficiently robust evidence base. In line with national policy, this evidence base now justifies the allocation of sites within fluvial Flood Zone 3 (there being no reasonable alternatives) and that those sites in principle can be developed safely without increasing flood risk.